

J. MICHAEL HIGGINBOTHAM State Bar # 61499
JENNIFER A. BECKER State Bar # 121319
JOHN B. SULLIVAN State Bar # 238306
LONG & LEVIT LLP
465 California Street, Suite 500
San Francisco, CA 94104
TEL: (415) 397-2222 FAX: (415) 397-6392

jabecker@longlevit.com / jsullivan@longlevit.com

Attorneys for Defendant
MBH ARCHITECTS, INC. aka McNULTY
BRISKMAN HEATH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOVIS LEND LEASE, INC. as assignee
of LNR-LENNAR BRANNAN STREET,
LLC,

Plaintiff,

vs.

MBH ARCHITECTS, INC. aka
McNULTY BRISKMAN HEATH and
DOES 1 through 150, inclusive,

Defendant.

MBH ARCHITECTS, INC. aka
McNULTY BRISKMAN HEATH,

Cross-
Complainant,

vs.

LNR-LENNAR BRANNAN STREET,
LLC, and ROES, 1 through 150,
inclusive,

Cross-
Defendant.

CASE No. C 07-05262 JSW

[PROPOSED] SPECIAL VERDICT FORM

Judge: Hon. Jeffrey S. White
Trial Date: April 20, 2009

BREACH OF CONTRACT/PROFESSIONAL NEGLIGENCE/NEGLIGENCE

QUESTION NO. 1

Did LNR-Lennar Brannan Street, LLC assign Plaintiff Bovis Lend Lease, Inc. all of its rights with respect to Defendant MBH Architects, Inc. under the contract?

☐ Yes ☐ No

If the answer to question No. 1 is yes, then answer question No. 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

QUESTION NO. 2

Did LNR-Lennar-Brannan Street do all, or substantially all, of the significant things that the contract required it to do?

☐ Yes ☐ No

If the answer to question No. 2 is yes, then answer question No. 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

QUESTION NO. 3

Was LNR-Lennar Brannan Steet, LLC excused from having to do all, or substantially all, of the significant things that the contract required it to do?

☐ Yes ☐ No

If the answer to question No. 3 is yes, then answer question No. 5. If the answer to question No. 3 is yes, then answer question No. 4.

QUESTION NO. 4

Did all of the conditions occur that were required for MBH Architects, Inc.'s performance under the contract?

☐ Yes ☐ No

If the answer to question No. 4 is yes, then answer question No. 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

///

QUESTION NO. 5

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to its design of the structural beams?

☐ Yes ☐ No

B. Did MBH breach its contract with Lennar or fall below the standard of care in implementing corrective measures on a timely basis with respect to the structural beam redesign?

☐ Yes ☐ No

If you answer no to subpart A and subpart B, please move on to Question 6. If you answer yes to either subpart A or subpart B, then answer subpart C.

C. Were any errors or omissions on the part of MBH regarding the design or implementation of corrective measures related to the structural beams a substantial factor in delaying the final completion date of the project and/or increasing construction costs?

☐ Yes ☐ No

If you answered no, please move on to Question No. 6. If you answered yes, go to subpart D.

D. Was Bovis negligent with respect to its review of information related to corrective measures related to the structural beam?

☐ Yes ☐ No

E. Was Bovis negligent with respect to its communication of corrective measures to its affected subcontractors with respect to the structural beam?

☐ Yes ☐ No

F. Were any errors or omissions on the part of Bovis a substantial factor in delaying the final completion date of the project and/or increasing construction costs?

☐ Yes ☐ No

G. What are Lennar's total damages with respect to the as a result of the structural beam issue?

Amount \$ _____

H. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis.

Answer: To MBH _____%

To Bovis: _____%

QUESTION NO. 6

A. Did MBH breach its contract with Lennar or fall below the standard of care in coordinating the design of the structural framing on the roof?

___ Yes ___ No

If you answer no to subpart A please move on to to question 7. If you answer yes to subpart A, go to subpart B.

B. Were any errors or omissions on the part of MBH related to the structural framing on the roof a substantial factor in delaying the final completion date of the project and/or increasing construction costs?

___ Yes ___ No

If you answered no to subpart B, please move on to Question No. 7. If you answered yes, then answer subpart C.

C. Did Lennar breach any obligations to MBH with respect to its contractual obligation to retain its design build consultants?

___ Yes ___ No

D. Were any errors or omissions on the part of Lennar a substantial factor in delaying the final completion date of the project and/or increasing construction costs?

___ Yes ___ No

E. What are Lennar's total damages with respect to the as a result of the structural framing on the roof issue?

Amount \$_____

F. What percentage of such fault is attributable to MBH and what percentage is

1 attributable to Lennar.

2 Answer: To MBH _____%

3 To Lennar _____%

4 **QUESTION NO. 7**

5 A. Did MBH breach its contract or fall below the standard of care in specifying
6 bathtubs and surrounds at One Federal Building in a manner that harmed Lennar?

7 ____ Yes ____ No

8 If you answered no to subpart A, please move on to Question No. 8. If you answered yes
9 to subpart A, then answer subpart B.

10 B. Were any errors or omissions on the part of MBH related to the bathtubs and
11 surrounds at One Federal Building a substantial factor in causing Lennar harm?

12 ____ Yes ____ No

13 If you answered no to subpart B, please move on to Question No. 8. If you answered yes
14 to subpart B, then answer subpart C.

15 C. What are Lennar's total damages for the bathtubs and surrounds at One Federal
16 Building?

17 Amount \$_____

18 **QUESTION NO. 8**

19 A. Did MBH breach its contract with Lennar or fall below the standard of care with
20 respect to a door at Unit 49 of One Federal Building?

21 ____ Yes ____ No

22 If you answered no to subpart A, please move on to Question No. 9. If you answered yes
23 to Subpart A, then answer subpart B.

24 B. Were any errors or omissions on the part of MBH with respect to a door at Unit 49
25 of One Federal Building a substantial factor in causing Lennar harm?

26 ____ Yes ____ No

27 If you answered no to subpart B, please move on to Question No. 9. If you answered yes

to subpart B, then answer subpart C.

C. What was Lennar's total damages for the door at Unit 49 of One Federal Building?

Amount \$ _____

QUESTION NO. 9

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to specification of marble countertops?

___ Yes ___ No

If you answered no to subpart A, please move on to Question No. 10. If you answered yes to subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to specification of marble countertops a substantial factor in causing Lennar harm?

___ Yes ___ No

If you answered no to subpart B, please move on to Question No. 10. If you answered yes to subpart B, then answer subpart C.

C. Did Lennar assume the risk with respect to specification of marble countertops?

___ Yes ___ No

D. Was Lennar's assumption of this risk a substantial factor in causing harm to Lennar?

___ Yes ___ No

E. What was Lennar's total damages for the marble countertops?

Amount \$ _____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Lennar?

Answer: To MBH _____%

To Lennar _____%

QUESTION NO. 10

A. Did MBH breach its contract with Lennar or fall below the standard of care with

respect to the specification of range hoods?

☐ Yes ☐ No

If you answered no to subpart A, please move on to Question No. 11. If you answered yes to subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to specification of range hoods a substantial factor in causing Lennar harm?

☐ Yes ☐ No

If you answered no to subpart B, please move on to Question No. 11. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to any duties or obligations with respect to the specifying range hoods in a manner that harmed Lennar?

☐ Yes ☐ No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to specification of range hoods a substantial factor in causing Lennar harm?

☐ Yes ☐ No

E. What are Lennar's total damages with respect to the range hoods?

Amount \$_____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Lennar _____%

QUESTION NO. 11

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the soffits above stair landings?

☐ Yes ☐ No

If you answered no to subpart A, please move on to Question No. 12. If you answered yes

1 to Subpart A, then answer subpart B.

2 B. Were any errors or omissions on the part of MBH with respect to the soffits above
3 stair landings a substantial factor in causing Lennar harm?

4 ☐ Yes ☐ No

5 If you answered no to subpart B, please move on to Question No. 12. If you answered yes
6 to subpart B, then answer subpart C.

7 C. What was Lennar's total damages for the with respect to the soffits above stair
8 landings?

9 Amount \$ _____

10 **QUESTION NO. 12**

11 A. Did MBH breach its contract with Lennar or fall below the standard of care with
12 respect to acoustical issues in its design of the retail canopy?

13 ☐ Yes ☐ No

14 If you answered no to subpart A, please move on to Question No. 13. If you answered yes
15 to Subpart A, then answer subpart B.

16 B. Were any errors or omissions on the part of MBH with respect to acoustical issues
17 in its design of the retail canopy a substantial factor in causing Lennar harm?

18 ☐ Yes ☐ No

19 If you answered no to subpart B, please move on to Question No. 13. If you answered yes
20 to subpart B, then answer subpart C.

21 C. Did Bovis or any of its subcontractors fall below the standard of care with respect
22 to acoustical issues in construction of the retail canopy?

23 ☐ Yes ☐ No

24 D. Were any errors or omissions on the part of Bovis or any of its subcontractors with
25 respect to acoustical issues in construction of the retail canopy a substantial factor in causing
26 Lennar harm?

27 ☐ Yes ☐ No

E. What are Lennar's total damages with respect to the as a result of the acoustical issues in construction of the retail canopy?

Amount \$_____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Bovis _____%

QUESTION NO. 13

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to acoustical issues in the stairwell?

___ Yes ___ No

If you answered no to subpart A, please move on to Question No. 14. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to acoustical issues in its design in the stairwell a substantial factor in causing Lennar harm?

___ Yes ___ No

If you answered no to subpart B, please move on to Question No. 14. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to acoustical issues in construction of the stairwell?

___ Yes ___ No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to acoustical issues in construction of the stairwell a substantial factor in causing Lennar harm?

___ Yes ___ No

///

E. What are Lennar's total damages with respect to the as a result of the acoustical issues in construction of the stairwell?

Amount \$_____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Bovis _____%

QUESTION NO. 14

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to design and acoustical isolation of condenser pumps?

___ Yes ___ No

If you answered no to subpart A, please move on to Question No. 15. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to design and acoustical isolation of condenser pumps a substantial factor in causing Lennar harm?

___ Yes ___ No

If you answered no to subpart B, please move on to Question No. 15. If you answered yes to subpart B, then answer subpart C.

C. Was Bovis or any of its subcontractors responsible for design and construction of the acoustical isolation of condenser pumps?

___ Yes ___ No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the acoustical isolation of the conductor pumps a substantial factor in causing harm to Lennar?

___ Yes ___ No

///

1
2 E. What are Lennar's total damages with respect to the acoustical isolation of
3 condenser pumps issues?

4 Amount \$_____

5 F. What percentage of such fault is attributable to MBH and what percentage is
6 attributable to Bovis or any of its subcontractors?

7 Answer: To MBH _____%

8 To Bovis _____%

9 **QUESTION NO. 15**

10 A. Did MBH breach its contract with Lennar or fall below the standard of care with
11 respect to the design of bathtubs in Units 506 and 507?

12 ___ Yes ___ No

13 If you answered no to subpart A, please move on to Question No. 16. If you answered yes
14 to Subpart A, then answer subpart B.

15 B. Were any errors or omissions on the part of MBH with respect to the design of
16 bathtubs in Units 506 and 507 a substantial factor in causing Lennar harm?

17 ___ Yes ___ No

18 If you answered no to subpart B, please move on to Question No. 16. If you answered yes
19 to subpart B, then answer subpart C.

20 C. Did Bovis or any of its subcontractors fall below the standard of care with respect
21 to the construction of bathtubs in Units 506 and 507?

22 ___ Yes ___ No

23 D. Were any errors or omissions on the part of Bovis or any of its subcontractors with
24 respect to the construction of bathtubs in Units 506 and 507 a substantial factor in causing Lennar
25 harm?

26 ___ Yes ___ No

27 ///

1
2 E. What are Lennar's total damages with respect to the construction of bathtubs in
3 Units 506 and 507?

4 Amount \$_____

5 F. What percentage of such fault is attributable to MBH and what percentage is
6 attributable to Bovis or any of its subcontractors.

7 Answer: To MBH _____%

8 To Bovis _____%

9 **QUESTION NO. 16**

10 A. Did MBH breach its contract with Lennar or fall below the standard of care with
11 respect to the design of stairwell 1A?

12 ___ Yes ___ No

13 If you answered no to subpart A, please move on to Question No. 17. If you answered yes
14 to Subpart A, then answer subpart B.

15 B. Were any errors or omissions on the part of MBH with respect to the design of
16 stairwell 1A a substantial factor in causing Lennar harm?

17 ___ Yes ___ No

18 If you answered no to subpart B, please move on to Question No. 17. If you answered yes
19 to subpart B, then answer subpart C.

20 C. Did Bovis or any of its subcontractors fall below the standard of care with respect
21 to the construction of stairwell 1A?

22 ___ Yes ___ No

23 D. Were any errors or omissions on the part of Bovis or any of its subcontractors with
24 respect to the construction of stairwell 1A a substantial factor in causing Lennar harm?

25 ___ Yes ___ No

26 E. What are Lennar's total damages with respect to the construction of stairwell 1A?

27 Amount \$_____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Bovis _____%

QUESTION NO. 17

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design of doorstops for patio doors?

___ Yes ___ No

If you answered no to subpart A, please move on to Question No. 18. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design of doorstops for patio doors a substantial factor in causing Lennar harm?

___ Yes ___ No

If you answered no to subpart B, please move on to Question No. 18. If you answered yes to subpart B, then answer subpart C.

C. What are Lennar's total damages with respect to the patio doors?

Amount \$_____

QUESTION NO. 18

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design of the penthouse gates?

___ Yes ___ No

If you answered no to subpart A, please move on to Question No. 19. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design of the penthouse gates a substantial factor in causing Lennar harm?

___ Yes ___ No

If you answered no to subpart B, please move on to Question No. 19. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the construction of the penthouse gates?

☐ Yes ☐ No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to construction of the penthouse gates a substantial factor in causing Lennar harm?

☐ Yes ☐ No

E. What are Lennar's total damages with respect construction of the penthouse gates?

Amount \$_____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Bovis _____%

QUESTION NO. 19

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design of vestibules in stairways?

☐ Yes ☐ No

If you answered no to subpart A, please move on to Question No. 20. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design of vestibules in stairways a substantial factor in causing Lennar harm?

☐ Yes ☐ No

If you answered no to subpart B, please move on to Question No. 20. If you answered yes to subpart B, then answer subpart C.

C. What are Lennar's total damages with respect to the vestibules in stairways?

Amount \$_____

QUESTION NO. 20

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design of the garage gates?

☐ Yes ☐ No

If you answered no to subpart A, please move on to Question No. 21. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design of the garage gates a substantial factor in causing Lennar harm?

☐ Yes ☐ No

If you answered no to subpart B, please move on to Question No. 21. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to with respect to the construction of the garage gates?

☐ Yes ☐ No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to construction of the garage gates a substantial factor in causing Lennar harm?

☐ Yes ☐ No

E. What are Lennar's total damages with respect to the garage gates?

Amount \$_____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Bovis _____%

QUESTION NO. 21

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design or specification of courtyard home entry doors?

___ Yes ___ No

If you answered no to subpart A, please move on to Question No. 22. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design or specification of courtyard home entry doors a substantial factor in causing Lennar harm?

___ Yes ___ No

If you answered no to subpart B, please move on to Question No. 22. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the design, specification, or installation of courtyard home entry doors?

____ Yes ____ No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the design, specification, or installation of courtyard home entry doors a substantial factor in causing Lennar harm?

Yes _____ No _____

E. What are Lennar's total damages with respect to the courtyard home entry doors?

Amount \$ _____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Bovis _____%

QUESTION NO. 22

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design or specification of courtyard home awnings?

Yes _____ No _____

If you answered no to subpart A, please move on to Question No. 23. If you answered yes to Subpart A, then answer subpart B.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

B. Were any errors or omissions on the part of MBH with respect to the design or specification of courtyard home awnings a substantial factor in causing Lennar harm?

☐ Yes ☐ No

If you answered no to subpart B, please move on to Question No. 23. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the installation of courtyard home awnings?

☐ Yes ☐ No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the installation of courtyard home awnings a substantial factor in causing Lennar harm?

☐ Yes ☐ No

E. What are Lennar's total damages with respect to the courtyard home awnings?

Amount \$_____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Bovis _____%

QUESTION NO. 23

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design or specification of courtyard #3 door's awnings?

☐ Yes ☐ No

If you answered no to subpart A, please move on to Question No. 24. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design or specification of courtyard #3 door's awnings a substantial factor in causing Lennar harm?

☐ Yes ☐ No

If you answered no to subpart B, please move on to Question No. 24. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the installation of courtyard #3 door's awnings?

☐ Yes ☐ No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the installation of courtyard #3 door's awnings a substantial factor in causing Lennar harm?

☐ Yes ☐ No

E. What are Lennar's total damages with respect to the courtyard #3 door's?

Amount \$ _____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Bovis _____%

QUESTION NO. 24

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design or specification of common area hallway baseboards?

☐ Yes ☐ No

If you answered no to subpart A, please move on to Question No. 25. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design or specification of common area hallway baseboards a substantial factor in causing Lennar harm?

☐ Yes ☐ No

If you answered no to subpart B, please move on to Question No. 25. If you answered yes to subpart B, then answer subpart C.

///

1
2 C. Did Bovis or any of its subcontractors fall below the standard of care with respect
3 to the installation of common area hallway baseboards?

4 ☐ Yes ☐ No

5 D. Were any errors or omissions on the part of Bovis or any of its subcontractors with
6 respect to the installation of common area hallway baseboards a substantial factor in causing
7 Lennar harm?

8 ☐ Yes ☐ No

9 E. What are Lennar's total damages with respect to the common area hallway
10 baseboards?

11 Amount \$ _____

12 F. What percentage of such fault is attributable to MBH and what percentage is
13 attributable to Bovis or any of its subcontractors.

14 Answer: To MBH _____%

15 To Bovis _____%

16 **QUESTION NO. 25**

17 A. Did MBH breach its contract with Lennar or fall below the standard of care with
18 respect to the design or specification of the davit storage room?

19 ☐ Yes ☐ No

20 If you answered no to subpart A, please move on to Question No. 26. If you answered yes
21 to Subpart A, then answer subpart B.

22 B. Were any errors or omissions on the part of MBH with respect to the design or
23 specification of the davit storage room a substantial factor in causing Lennar harm?

24 ☐ Yes ☐ No

25 If you answered no to subpart B, please move on to Question No. 26. If you answered yes
26 to subpart B, then answer subpart C.

27 ///

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the installation of the davit storage room?

☐ Yes ☐ No

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the installation of the davit storage room a substantial factor in causing Lennar harm?

☐ Yes ☐ No

E. What are Lennar's total damages with respect to the davit storage room?

Amount \$ _____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Bovis _____%

QUESTION NO. 26

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design or specification of West Elevation Penthouse entry doors?

☐ Yes ☐ No

If you answered no to subpart A, please move on to Question No. 27. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to the design or specification of West Elevation Penthouse entry doors a substantial factor in causing Lennar harm?

☐ Yes ☐ No

If you answered no to subpart B, please move on to Question No. 27. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the installation of West Elevation Penthouse entry doors?

1 ___ Yes ___ No

2 D. Were any errors or omissions on the part of Bovis or any of its subcontractors with
3 respect to the installation of West Elevation Penthouse entry doors a substantial factor in causing
4 Lennar harm?

5 ___ Yes ___ No

6 E. What are Lennar's total damages with respect to the installation of West Elevation
7 Penthouse entry doors?

8 Amount \$_____

9 F. What percentage of such fault is attributable to MBH and what percentage is
10 attributable to Bovis or any of its subcontractors.

11 Answer: To MBH _____%

12 To Bovis _____%

13 **QUESTION NO. 27**

14 A. Did MBH breach its contract with Lennar or fall below the standard of care with
15 respect to the design or specification of the elevator control system?

16 ___ Yes ___ No

17 If you answered no to subpart A, please move on to Question No. 28. If you answered yes
18 to Subpart A, then answer subpart B.

19 B. Were any errors or omissions on the part of MBH with respect to the design or
20 specification of the elevator control system a substantial factor in causing Lennar harm?

21 ___ Yes ___ No

22 If you answered no to subpart B, please move on to Question No. 28. If you answered yes
23 to subpart B, then answer subpart C.

24 C. Did Bovis or any of its subcontractors fall below the standard of care with respect
25 to the installation of the elevator control system?

26 ___ Yes ___ No

27 ///

28

D. Were any errors or omissions on the part of Bovis or any of its subcontractors with respect to the installation of the elevator control system a substantial factor in causing Lennar harm?

☐ Yes ☐ No

E. What are Lennar's total damages with respect to the elevator control system?

Amount \$ _____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis or any of its subcontractors.

Answer: To MBH _____%

To Bovis _____%

QUESTION NO. 28

A. Did MBH breach its contract with Lennar or fall below the standard of care with respect to the design or specification of the Mews gates?

☐ Yes ☐ No

If you answered no to subpart A, stop here, answer no further questions, and have the presiding juror sign and date this form. If you answered yes to Subpart A, then answer subpart B.

B. Were any errors or omissions on the part of MBH with respect to design or specification of the Mews gates a substantial factor in causing Lennar harm?

☐ Yes ☐ No

If you answered no to subpart B, stop here, answer no further questions, and have the presiding juror sign and date this form. If you answered yes to subpart B, then answer subpart C.

C. Did Bovis or any of its subcontractors fall below the standard of care with respect to the installation of West Elevation Penthouse entry doors?

☐ Yes ☐ No

D. Were any errors or omissions on the part of Bovis with respect to the installation of the Mews gates a substantial factor in causing Lennar harm?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

___ Yes ___ No

E. What are Lennar's total damages with respect to Mews gates?

Amount \$_____

F. What percentage of such fault is attributable to MBH and what percentage is attributable to Bovis.

Answer: To MBH _____%

To Bovis _____%

Dated: _____, 2009

Presiding Juror

DOCS\S7630-028\561331.V1